

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DOUGLAS KAMINSKI,)
)
Plaintiff,)
)
v.) No.: 3:10-CV-226
) (VARLAN/GUYTON)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on April 28, 2011 [Doc. 18]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In the Report and Recommendation, the magistrate judge recommends that this case be remanded to the defendant Commissioner for further proceedings consistent with the Report and Recommendation, that plaintiff's motion for summary judgment [Doc. 9] be granted only for purposes of remanding the case, and that defendant's motion for summary judgment [Doc. 16] be denied.

The Court has carefully reviewed this matter, including the underlying pleadings. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report

and Recommendation [Doc. 18]. Additionally, it is hereby **ORDERED** that defendant's motion for summary judgment [Doc. 16] is **DENIED**, that plaintiff's motion for summary judgment [Doc. 9] is **GRANTED** only for purposes of remanding the case, that the Commissioner's decision in this case is **REVERSED**, and that this case is **REMANDED** pursuant to 42 U.S.C. § 405(g) for a new hearing consisting with this order and the magistrate judge's Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE